

CIVILLE & TANG, PLLC
330 HERNAN CORTEZ AVENUE, SUITE 200
HAGÁTÑA, GUAM 96910
TELEPHONE: (671) 472-8868/69
FACSIMILE: (671) 477-2511

Attorneys for Defendant
Norman Hon Suen Chan

FILED
DISTRICT COURT OF GUAM

SEP - 1 2005

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 05-00036
)	
Plaintiff,)	
)	
vs.)	ORDER CONTINUING TRIAL DATE
)	[PROPOSED]
NORMAN HON SUEN CHAN,)	KRW
)	
Defendant.)	
_____)	

This matter came before the Court on a motion by the defendant, pursuant to 18 U.S.C. § 3161(h)(8)(A), for an Order continuing the trial of this matter which is scheduled to begin on September 6, 2005. Defendant has requested a continuance due to the fact that his current counsel was only appointed to represent him on August 24, 2005, and counsel needs additional time to evaluate this matter and prepare for trial. The Court notes that defendant's prior counsel, the Federal Public Defender's Office, withdrew from representation of the defendant on August 24, 2005 as the result of a belatedly discovered conflict within that office, and not as a result of any obstreperous conduct by the defendant or a lack of diligence in preparing for trial. The Court further notes that, although Defendant's current counsel was appointed on August 24, 2005, the Order of appointment was not served on counsel's office until August 30, 2005.

IT IS HEREBY ORDERED that, for good cause shown, Defendant's motion for a continuance of the trial date is hereby granted. The trial date of September 6, 2005 is hereby vacated.

IT IS FURTHER ORDERED that, to accommodate defense counsel's prior trial commitment in the Superior Court of Guam, and taking into consideration the schedule for when a District Judge will be available on Guam, trial in this matter is hereby scheduled to commence on November 8, 2005, or immediately following the conclusion of the trial of *United States v. Christopher M. Espinosa*, District Court of Guam Criminal Case No. 05-00053, if trial in that matter goes forward as scheduled on November 8.

In accordance with 18 U.S.C. § 3161(h)(8)(A), the Court specifically finds that the granting of this continuance outweighs the best interests of the public and the defendant in a speedy trial and that, for purposes of calculations under 18 U.S.C. § 3161(c)(1) of the Speedy Trial Act, the time between the granting of this motion and the new trial date set forth above, inclusive, is hereby excluded from such calculations.

DATED: _____

9/1/05


S. JAMES OTERO
District Judge

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DISTRICT COURT OF GUAM
HAGATNA, GUAM